

1 BILL NO. G-86-07-28

2 GENERAL ORDINANCE NO. G-86-29-86

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a dedicated utility easement thereof.

6 WHEREAS, a petition to vacate a dedicated utility
7 easement within the City of Fort Wayne (as more specifically
8 described below) was duly filed with the City Planning
9 Commission; and

10 WHEREAS, said Commission duly held a public hearing
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its
13 recommendation to this body approving said petition, all in
14 accordance with I.C. 36-7-4-512(2) and this body having held
15 a public hearing on said vacation as provided in
16 I.C. 36-7-3-12; and

17 WHEREAS, this body concurs in the recommendation of the
18 City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate a
22 dedicated utility easement within the City of Fort Wayne,
23 more specifically described as follows, to-wit:

24 The 7 foot utility easement running along the east side
25 of Lot 84, Section II of Papermill Bluffs Addition plus
26 the adjacent 7 foot along the west side of Lot 83
27 beginning at the 14 foot utility, sidewalk and drainage
28 easement on the north side of same two lots and ending
29 at the Cobblewood Cove street right-of-way .

30 and which vacating amends the Thoroughfare Plan of the City
31 Comprehensive ("Master") Plan and is hereby approved in all
32 respects.

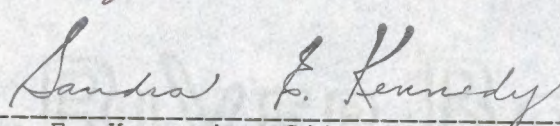
SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

** Public hearing to be held on Tuesday,
the 26th day of August 1986, in the
Council Chambers.


Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Eckert
seconded by Henry, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the C
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wa
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____.M.,

DATE: 7-22-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eckert
seconded by Redd, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 8-26-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL)

(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. 2-29-86
on the 26th day of August, 1986

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indian
on the 27th day of August, 1986
at the hour of 11:00 o'clock 7.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of August
1986, at the hour of 2:00 o'clock _____.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

OK # 3375

RECEIPT

No 1115

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 6-27 '19

RECEIVED FROM

Craig + Susan Shoda

\$ 100.00

THE SUM OF

one hundred & 00/100

DOLLARS

ON ACCOUNT OF

Utility Expenses (water)
for

AUTHORIZED SIGNATURE

Vacation Ordinance

PETITION TO VACATE - Dedicated Utility Easement

To: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following dedicated utility easement within the City of Fort Wayne, Indiana, and hereby described as follows:

The 7ft. utility easement running along the east side of Lot 84, Section II of Papermill Bluffs Addition plus the adjacent 7ft. along the west side of Lot 83 beginning at the 14ft. utility, sidewalk and drainage easement on the north side of same two lots and ending at the Cobblewood Cove street right-of-way. (Survey diagrams are attached)

In support thereof, Craig S. and Susan K. Shoda would represent as follows:

1. That we are the only owners of the real estate bordering both sides of the utility easement.
2. That the easement is not necessary as ingress or egress to other properties whatsoever.
3. That no other person, firm, or corporation is interested in or affected by the requested vacation.
4. That we desire to build a house that would center on the common lot line and therefore occupy a portion of the easement.

Craig S. and Susan K. Shoda file this petition to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

Wherefore, Craig S. and Susan K. Shoda pray that the above described easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATE THIS 20th DAY OF JUNE 1986

Craig S. Shoda Susan K. Shoda
Petitioner's & Agent Signature

5708 LANCASTER CT.
Petitioner's & Agent's Add.
FORT WAYNE IN 46825

55



RESOLUTION 76-92-4

WHEREAS, CRAIG SHODA has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The 7 foot utility easement running along the east side of Lot 84, Section II of Papermill Bluffs Addition plus the adjacent 7 foot along the west side of Lot 83 beginning at the 14 foot utility, sidewalk and drainage easement on the north side of same two lots and ending at the Cobblewood Cove street right-of-way .

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, DAVID J. KLESTER, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held August 6, 1986 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 6TH DAY OF August 1986

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester
Director of Public Works

Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Director of Public Safety

WHEREAS, CRAIG SHODA has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement in Fort Wayne, Allen County, to-wit:

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, said public hearing was held on July 21, 1986 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 28, 1986, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 30 DAY OF July 1986

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

BILL NO. G-86-07-28

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~XXXXXXXXXXXXX~~
(RESOLUTION) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating a dedicated
utility easement thereof

HAVE HAD SAID (ORDINANCE) ~~XXXXXXXXXXXXX~~ UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION)

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 8-26-86

SANDRA E. KENNEDY
CITY CLERK

FACT SHEET

G-86-07-28

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Utility Easement Vacation

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

14 foot utility easement running between
lots 84 and 83 in Papermill Bluffs, Sec II.

Reason for Project

Owner of Lots 83 & 84 wish to build a
house across the easement.

Discussion (Including relationship to other Council actions)21 July 1986 - Public Hearing

Craig Shoda, petitioner stated that he
and his wife have purchased lots 83 & 84
and the easement lies between the two
lots. He stated that they intend to build
their new home in approximately the center
of the two lots which would straddle this
easement. He stated that obviously to
build the house where they want it is
necessary to vacate the easement.

Duane Embury stated that he would like to
make the petitioner aware of the flooding
in the area. He suggested that the petitioner
come to WPCE offices and discuss the drain-
age on the property.

There was no one present who wished to
speak in favor of or in opposition to the
proposed vacation.

28 July 1986 - Business Meeting

Motion to return the ordinance to the
Common Council with a DO PASS recommendation
was made and carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Craig Shoda
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

Of the eight (8) members present seven voted in favor of the motion one (1) did not vote.

NOTE: Duane Embury met with Mr. Shoda regarding the drainage on the property. Mr. Embury stated that the concerns were unfounded, there is no problem.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 20 June 1986

Projected Completion or Occupancy

Date 30 July 1986

Fact Sheet Prepared by

Patricia Biancaniello

Date 30 July 1986

Reviewed by

Dan Burt

Date

8 August 1986

Reference or Case Number

ORIGINAL
COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

Admn. Appr. _____

ORIGINAL

TITLE OF ORDINANCE _____ Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

97-86-07-28

SYNOPSIS OF ORDINANCE _____ 7 foot utility easement running along the
east side of Lot 84, Section II in Papermill Bluffs Addition.

EFFECT OF PASSAGE _____ Property is a dedicated utility easement if approved

it will be vacated by the City and return to private ownership of the adjacent property
owners.

EFFECT OF NON-PASSAGE _____ Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-86-07-28)

14 foot utility easement running between lots 83 and 84 in Paper Mill Bluffs, Sec.II -- Owner of Lots 83 & 84 wishes to build a house across the easement

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 26, 1986, at 7:00 o'clock P.M., (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

UTILITY EASEMENT

The 7 foot utility easement running along the east side of Lot 84, Section II of Papermill Bluffs Addition plus the adjacent 7 foot along the west side of Lot 83 beginning at the 14 foot utility, sidewalk and drainage easement on the north side of same two lots and ending at the Cobblewood Cove street right-of-way.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

3. UTILITY EASEMENT

The 7 foot utility easement running along the east side of Lot 84, Section II of Papermill Bluffs Addition plus the adjacent 7 foot along the west side of Lot 83 beginning at the 14 foot utility, sidewalk and drainage easement on the north side of same two lots and ending at the Cobblewood Cove street right-of-way .



The City of Fort Wayne

August 13, 1986

Ms. Cynthia Wilkins
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Wilkens:

Please give the attached full coverage on the date of August 16, 1986, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-86-07-29
Street Vacation

Bill No. G-86-07-30
Street Vacation

Bill No. G-86-07-28
Utility Easement Vacation

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3



The City of Fort Wayne

August 13, 1986

Craig Shoda
5708 Lancashire Ct.
Fort Wayne, IN 46825

NOTICE OF PUBLIC HEARING ON BILL NO. G-86-07-28

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, August 26, 1986, at 7:00 P.M. (EST) in the Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

14 foot utility easement running between lots
84 and 83 in Papermill Bluffs, Sec. II

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

3

18

3

24

COMPUTATION OF CHARGES

24 lines, 1 columns wide equals 24 equivalent lines at .300 \$ 7.20
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 8.20

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 pointNumber of insertions 1Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Denise RicciDate Aug. 16, 19 86Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned Denise Riccithat he/she is CLERK of theJOURNAL-GAZETTEDAILY

a newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA
town

in state and county aforesaid, and that the printed matter attached hereto is a true copy.

which was duly published in said paper for one time the dates of publication being

as follows:

8/16/86Subscribed and sworn to me before this 16th day of August, 19 86Shelley R. LaRue

Notary Public

My commission expires March 3, 1990

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-86-07-28)

14 foot utility easement running between lots 83 and 84 in Paper Mill Bluffs, Sec. II — Owner of Lots 83 & 84 wishes to build a house across the easement.

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 26, 1986, at 7:00 o'clock P.M., (EST) in Room 12B, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

UTILITY EASEMENT

The 7 foot utility easement running along the east side of Lot 84, Section II of Papermill Bluffs Addition plus the adjacent 7 foot along the west side of Lot 83 beginning at the 14 foot utility, sidewalk and drainage easement on the north side of same two lots and ending at the Cobblewood Cove street right-of-way.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

8-16

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines
Head number of lines 3
Body number of lines 18
Tail number of lines 3
Total number of lines in notice 24

COMPUTATION OF CHARGES

24 lines, 1 columns wide equals 24 equivalent lines at 3.00¢ \$ 7.20
Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.00
TOTAL AMOUNT OF CLAIM \$ 8.20

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point
Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Denise Ricci

Date Aug. 16, 1986

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Denise Ricci who, being duly sworn, says that he/she is CLERK of the

NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows:

8/16/86
Subscribed and sworn to me before this 16th day of August, 1986

Shelley R. LaRue Notary Public

My commission expires March 3, 1990

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-86-07-28)
14 foot utility easement running between lots 83 and 84 in Paper Mill Bluffs, Sec. II — Owner of Lots 83 & 84 wishes to build a house across the easement
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All interested parties are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk